

MESSAGE NO: 8056202 MESSAGE DATE: 02/25/2008

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: PRE-Preliminary PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-570-909

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 10/25/2007 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: PRELIMINARY AFFIRMATIVE CRITICAL CIRCUMSTANCES DETERMINATION IN THE
ANTIDUMPING DUTY INVESTIGATION OF STEEL NAILS FROM CHINA (A-570-909-
000/002/003/004)

MESSAGE NO: 8056202

DATE: 02 25 2008

CATEGORY: ADA

TYPE: PRE

REFERENCE:

REFERENCE DATE:

CASES: A - 570 - 909

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PERIOD COVERED: 10 25 2007 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS

PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: PRELIMINARY AFFIRMATIVE CRITICAL CIRCUMSTANCES
DETERMINATION IN THE ANTIDUMPING DUTY INVESTIGATION OF
STEEL NAILS FROM CHINA (A-570-909-000/002/003/004)

1. ON 01/23/2008, THE DEPARTMENT OF COMMERCE PUBLISHED IN THE
FEDERAL REGISTER (73 FR 3928) ITS AFFIRMATIVE PRELIMINARY
DETERMINATION OF CRITICAL CIRCUMSTANCES IN THE ANTIDUMPING DUTY
INVESTIGATION OF CERTAIN STEEL NAILS FROM THE PEOPLE'S REPUBLIC
OF CHINA ("PRC") FOR THE XINGYA GROUP (A-570-909-002, A-570-909-
003, AND A-570-909-004) AND THE PRC-WIDE ENTITY (A-570-909-000).

2. U.S. CUSTOMS AND BORDER PROTECTION (CBP) SHALL SUSPEND

LIQUIDATION OF THE XINGYA GROUP'S AND THE PRC-WIDE ENTITY'S ENTRIES OF CERTAIN STEEL NAILS FROM THE PRC THAT ARE ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER 10/25/2007 (90 DAYS PRIOR TO 01/23/2008 THE DATE OF PUBLICATION OF THE PRELIMINARY DETERMINATION OF SALES AT LESS THAN FAIR VALUE IN THE FEDERAL REGISTER). CBP SHALL REQUIRE A CASH DEPOSIT OR POSTING OF A BOND EQUAL TO THE ESTIMATED PRELIMINARY DUMPING MARGIN (44.57 PERCENT FOR THE XINGYA GROUP, AND 118.04 PERCENT FOR THE PRC-WIDE ENTITY) REFLECTED IN THE PRELIMINARY DETERMINATION OF SALES AT LESS THAN FAIR VALUE PUBLISHED IN THE FEDERAL REGISTER (73 FR 3928).

3. THE MERCHANDISE COVERED BY THIS INVESTIGATION INCLUDES CERTAIN STEEL NAILS HAVING A SHAFT LENGTH UP TO 12 INCHES. CERTAIN STEEL NAILS INCLUDE, BUT ARE NOT LIMITED TO, NAILS MADE OF ROUND WIRE AND NAILS THAT ARE CUT. CERTAIN STEEL NAILS MAY BE OF ONE PIECE CONSTRUCTION OR CONSTRUCTED OF TWO OR MORE PIECES. CERTAIN STEEL NAILS MAY BE PRODUCED FROM ANY TYPE OF STEEL, AND HAVE A VARIETY OF FINISHES, HEADS, SHANKS, POINT TYPES, SHAFT LENGTHS AND SHAFT DIAMETERS. FINISHES INCLUDE, BUT

ARE NOT LIMITED TO, COATING IN VINYL, ZINC (GALVANIZED, WHETHER BY ELECTROPLATING OR HOT-DIPPING ONE OR MORE TIMES), PHOSPHATE CEMENT, AND PAINT. HEAD STYLES INCLUDE, BUT ARE NOT LIMITED TO, FLAT, PROJECTION, CUPPED, OVAL, BRAD, HEADLESS, DOUBLE, COUNTERSUNK, AND SINKER. SHANK STYLES INCLUDE, BUT ARE NOT LIMITED TO, SMOOTH, BARBED, SCREW THREADED, RING SHANK AND FLUTED SHANK STYLES. SCREW-THREADED NAILS SUBJECT TO THESE PROCEEDINGS ARE DRIVEN USING DIRECT FORCE AND NOT BY TURNING THE FASTENER USING A TOOL THAT ENGAGES WITH THE HEAD. POINT STYLES INCLUDE, BUT ARE NOT LIMITED TO, DIAMOND, BLUNT, NEEDLE, CHISEL AND NO POINT. FINISHED NAILS MAY BE SOLD IN BULK, OR THEY MAY BE COLLATED INTO STRIPS OR COILS USING MATERIALS SUCH AS PLASTIC, PAPER, OR WIRE.

CERTAIN STEEL NAILS SUBJECT TO THESE PROCEEDINGS ARE CURRENTLY CLASSIFIED UNDER THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES ("HTSUS") SUBHEADINGS 7317.00.55, 7317.00.65 AND

7317.00.75.

EXCLUDED FROM THE SCOPE OF THESE PROCEEDINGS ARE ROOFING NAILS OF ALL LENGTHS AND DIAMETER, WHETHER COLLATED OR IN BULK, AND WHETHER OR NOT GALVANIZED. STEEL ROOFING NAILS ARE SPECIFICALLY ENUMERATED AND IDENTIFIED IN ASTM STANDARD F 1667 (2005 REVISION) AS TYPE I, STYLE 20 NAILS. ALSO EXCLUDED FROM THE SCOPE OF THESE PROCEEDINGS ARE CORRUGATED NAILS. A CORRUGATED NAIL IS MADE OF A SMALL STRIP OF CORRUGATED STEEL WITH SHARP POINTS ON ONE SIDE. ALSO EXCLUDED FROM THE SCOPE OF THESE PROCEEDINGS ARE FASTENERS SUITABLE FOR USE IN POWDER-ACTUATED HAND TOOLS, NOT THREADED AND THREADED, WHICH ARE CURRENTLY CLASSIFIED UNDER HTSUS 7317.00.20 AND 7317.00.30. ALSO EXCLUDED FROM THE SCOPE OF THESE PROCEEDINGS ARE THUMB TACKS, WHICH ARE CURRENTLY CLASSIFIED UNDER HTSUS 7317.00.10.00. ALSO EXCLUDED FROM THE SCOPE OF THIS PROCEEDING ARE CERTAIN BRADS AND FINISH NAILS THAT ARE EQUAL TO OR LESS THAN 0.0720 INCHES IN SHANK DIAMETER, ROUND OR RECTANGULAR IN CROSS SECTION, BETWEEN 0.375 INCHES AND 2.5 INCHES IN LENGTH, AND THAT ARE COLLATED WITH ADHESIVE OR POLYESTER FILM TAPE BACKED WITH A HEAT SEAL ADHESIVE.

WHILE THE HTSUS SUBHEADINGS ARE PROVIDED FOR CONVENIENCE AND CUSTOMS PURPOSES, THE WRITTEN DESCRIPTION OF THE SCOPE OF THESE INVESTIGATIONS IS DISPOSITIVE.

4. FOR FURTHER REPORTING PURPOSES, THIS CASE HAS BEEN ASSIGNED INVESTIGATION NUMBER A-570-909.

5. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT OFFICE OF AD/CVD

OPERATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION , U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577 RESPECTIVELY (GENERATED BY 09:MR).

6. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

DAVID M. GENOVESE

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party